

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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THE UNITED STATES OF AMERICA et al.	)	Civil Action No. 16-CV-12182-FDS
ex rel. JULIE LONG,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
JANSSEN BIOTECH, INC.,	)	
	)	
Defendant.	)	
	)	

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**PLAINTIFF'S MOTION TO COMPEL DISCLOSURE OF ALL LEGAL OPINIONS AND ANALYSES RELATED TO THE LEGALITY OF THE INFUSION BUSINESS SUPPORT AND CONSULTATIVE SERVICES AT ISSUE**

Pursuant to Federal Rules of Civil Procedure 26(b) and 37(a), Plaintiff-relator Julie Long respectfully moves for an order compelling Defendant Janssen Biotech, Inc., to produce all legal advice, opinions, reviews, and analyses related to the lawfulness of providing the free infusion business support and consultative services (collectively, the "IOI Support") at issue in this litigation. Janssen has waived any privilege with regard to these materials by placing them at issue through its assertion of affirmative defenses and its reliance upon legal advice that put into issue its actual knowledge and beliefs regarding the lawfulness of the IOI Support. In the alternative, Plaintiff requests that the Court enter an order prohibiting Janssen from presenting any legal analyses and opinions, including any legal opinions it received from its Promotional Review Committee, to support any defenses to Plaintiff's claims.

For the reasons set forth in the accompanying Memorandum of Law in support of this motion, Plaintiff requests that this motion be granted.

**REQUEST FOR ORAL ARGUMENT**

Plaintiff requests oral argument on this motion.

Dated: January 28, 2022

Respectfully submitted,

/s/ Theodore J. Leopold

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***Counsel for Plaintiff-Relator Julie Long***

**LOCAL RULES 7.1 AND 37.1 CERTIFICATION**

In accordance with Local Rules 7.1(a)(2) and 37.1(a), counsel for plaintiff Julie Long certify that they conferred with counsel for defendant Janssen Biotech, Inc., in a

good faith effort to resolve or narrow the issues presented in this motion but were unable to do so.

s/ Theodore J. Leopold  
THEODORE J. LEOPOLD, ESQ.

**CERTIFICATE OF SERVICE**

I hereby certify that on January 28, 2022, this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

s/ Theodore J. Leopold  
THEODORE J. LEOPOLD, ESQ.